

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-MJ-02479-LMR

United States of America

Plaintiff,

vs.

Dan Rotta

Defendant

/

**UNOPPOSED MOTION FOR TEMPORARY
MODIFICATION OF BOND CONDITIONS**

Dan Rotta (“Rotta”), through his undersigned counsel, hereby moves this court for an order permitting Dan Rotta to be released upon transferring \$1.6 million to his attorney’s trust account because of difficulties outside of his control have delayed the full transfer of \$2 million.

In support of this motion, the undersigned proffers the following:

1. A detention hearing was held on March 12, 2024 before this Court.
2. The Court ordered that Defendant be released after executing a \$15 million, 20% appearance bond that included a number of special conditions.
3. Among these conditions were: (1) that Rotta deposit a 20% (\$3,000,000) into the Court registry; and (2) transfer the right, title, and interest in the Pevima Corporation to an independent escrow agent to be held until the conclusion of this matter; (3) in light of the contemplated complexity of the escrow arrangement, the Court allowed Rotta to be released upon deposit of an additional \$2,000,000 into the client trust account of either Greenberg Traurig, P.A. or Weisberg Kanan

Mark PL to be held until such transfer occurred.

4. Based on the foregoing, Mr. Rotta's counsel understood that he could not post the \$3 million dollars and seek release until the \$2 million had been wired to his attorney's trust account.
5. With respect to these deposits, the Court and parties discussed that their expectation that the funds to satisfy these deposits (totaling \$5,000,000) would be transferred from Rotta's account that is currently maintained at UBS (the "UBS Account")
6. UBS representatives have informed undersigned counsel that upon news of Mr. Rotta's arrest, his UBS account was frozen. Because the account was frozen, the transfer of the complete \$5 million dollars necessary to fulfill the above conditions has been delayed. This delay is the result of UBS and not Mr. Rotta.
7. As of this writing, UBS has transferred a total of approximately \$4.677 million to Greenberg Traurig. UBS has indicated that it expects that it will wire the balance to Greenberg Traurig by the end of the week.
8. Based on the foregoing, Mr. Rotta respectfully requests that he be permitted to post his \$3 million dollar bond and seek release.
9. The remaining \$1.6 million shall remain in the Greenberg Trust account until such time as the right, title, and interest in the Pevima Corporation is transferred to an independent escrow agent to be held until the conclusion of this matter.
10. Upon receipt of the outstanding approximately \$322,000 by Greenberg Traurig, counsel for Mr. Rotta shall file a notice with the Court. That \$400,000 shall also be held in Greenberg Traurig's trust account until such time as the right, title, and

interest in the Pevima Corporation is transferred to an independent escrow agent to be held until the conclusion of this matter.

11. On March 18, 2024, undersigned counsel emailed a draft copy of this motion to the United States, which sought the same relief sought herein, and requested their position. The United States requested a call for March 19, 2024. Following the call, the United States indicated that it did not oppose, but requested the following be noted regarding their position:

Mr. Rotta's counsel has represented to the government that he expects to receive the remaining \$400,000 (bringing the total secured cash to \$5 million) by the close of business on Friday, March 22, 2024 and that he is pursuing an escrow agreement. Based on that representation, the United States does not oppose this motion. However, if Mr. Rotta has not received the additional funds by the time of Mr. Rotta's arraignment on Monday, March 25, 2024, the government reserves its right to revisit Mr. Rotta's detention at that time. Similarly, the government notes that the additional \$2 million was meant as a temporary measure while Mr. Rotta's counsel obtained an escrow agreement to secure the real properties held through Pevima (valued at significantly more than \$2 million). If Mr. Rotta has not secured an escrow agreement within a reasonable time, the government reserves its right to revisit the bond arrangements.

Therefore, Rotta requests that the Court enter an order allowing Mr. Rotta to post the \$3 million and be released without having caused the full \$2 million dollars to be wired to the Greenberg Traurig trust account. A proposed order to this effect is attached.

L.R. 7.1(1)(3) Certification

Pursuant to Local Rule 7.01(a)(3), the undersigned certifies that he sent a draft of this motion to the United States on March 18, 2024 and spoke with the United States on March 19, 2024. The United States does not oppose the relief sought in this motion, with the above referenced caveat(s).

Dated: March 19, 2024

Respectfully submitted,

/s/ Jared Dwyer

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EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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PROPOSED ORDER TEMPORARILY MODIFYING BOND CONDITIONS

THIS CAUSE came before the Court upon Daniel Rotta's Motion for Temporary Modification of Bond Conditions. The Court having considered the Motion and being otherwise duly advised in the premises, it is hereby ORDERED:

1. The Motion is **GRANTED**.
2. Mr. Rotta shall be permitted to post the \$3 million dollar bond payment and seek release even though the \$2 million required to be sent to his attorney's trust account has not been fully affected.
3. Counsel for Mr. Rotta shall file a notice with this Court upon receipt of the full \$2 million required under the special conditions of Mr. Rotta's bond.
4. Nothing in this order alters or amends any other condition of Mr. Rotta's bond.

DONE AND ORDERED this ____ day of March, 2024

HON. JARED M. STRAUSS
UNITED STATES MAGISTRATE JUDGE